

Inside the Law

The Monthly Newsletter from
San Bernardino County District Attorney
Michael A. Ramos

August 2011



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DISTRICT ATTORNEY



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7-29-2011: [DA's Office Files Lawsuit for Gang Injunction on Rialto-Based Hustla Squad Cliche](#)

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SAN BERNARDINO COUNTY SUPERIOR COURT HOUSE: Location of Deputy District Attorney Denise Yoakum's West Side Verdugo gang case.

SAN BERNARDINO, Calif. – It's Thursday morning and Deputy District Attorney Denise Yoakum is headed into court for jury selection at the [San Bernardino County Superior Court House](#).

For the past two weeks, she has prepared her notes and plotted out the proper strategy to approach the opening of today's trial involving four gang members who decided to beat, hit and kick a 40-year-old Hispanic man for his money outside a local fast food restaurant.

According to Yoakum, even as the victim tried crawling away, they continued to kick him in the face and all over his body.

Three of the gang members have already pleaded guilty to charges, but the fourth defendant, a Caucasian male who also belongs to the Hispanic gang known as West Side Verdugo

(WSV), is charged with second degree robbery. If convicted and the defendant's prior strikes are found true—under the Three Strikes Law—he faces life in prison.

Yoakum is part of the Central Division Hardcore Gang Prosecution Unit for the San Bernardino County District Attorney's Office. While she has been with the unit for only a few years, she's seen enough to know that anything can happen, mostly because, like her fellow prosecutors, she has a difficult time locating witnesses and dealing with the fact that they fear for their lives.



PICTURED: Graphic retrieved from WSV gang member's MySpace page.

"They are often uncooperative because they know their life is on the line if they testify truthfully," said Yoakum. "They know gang members can hurt or murder them or their loved ones. As gang prosecutors we are very aware of witness intimidation. We have to deal with recanting or 'sudden memory loss' by our witnesses on a regular basis."

THE UPHILL BATTLE

To help maintain a liaison with witnesses, prosecutors depend heavily on the Bureau of Investigation, and for the Central Gang Unit, Senior Investigator Kevin Ford is the direct contact.

On most days, he is either searching for witnesses, taking prosecutors back to the scene of the crime to verify facts of the case or even testifying on the stand.

"I'm really driven by the sense of urgency that prosecutors have. It makes you work harder, it makes you want to be a part of what they are doing in court," said Ford.

A 17-year veteran of the San Bernardino Police Department, Ford has been a part of the Gang Unit for four

GANG STATS RELEASED

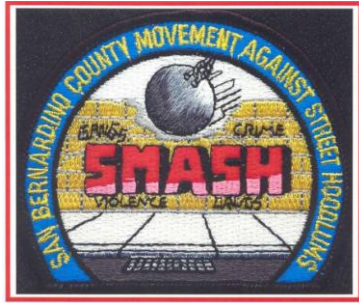
The latest gang statistics for the first quarter of 2011 have been compiled: Statistics for the quarter of April 1, 2011, through June 30, 2011, show that 229 cases were filed from all divisions. There were 129 state prison commitments obtained with a total of 738 years of state prison. 83 gang enhancements were found true and 12 were found guilty by jury trial.

CONVICTIONS

JESUS ROGELIO RAMON JR., 36, a Pico Rivera gang member, was convicted by Prosecutor Shannon Faherty of the Victorville Gang Unit for shooting a man to death at a 2009 Halloween party in Hesperia. The defendant was sentenced to 42 years in prison.

ROGER DALE GRAY, 53, who was already a registered sex offender, was convicted by Deputy District Attorney Melissa Rodriguez of the Central Family Violence Unit for sexually abusing a 10-year-old girl in his Muscoy neighborhood. Gray was sentenced to 24 years in state prison.

and a half years, and during this time his previous experience on the streets has helped him maintain a positive rapport with members of the community, and even sometimes the criminals.



SMASH: Patch for San Bernardino County Movement Against Street Hoodlums.

“Being an investigator for the (district attorney’s) office is a different side of law enforcement where you can actually seal the deal,” said Ford. “The crime may have started in the streets but it ends in the courts. And when it gets over here to us, the hard part is keeping the witnesses and fighting the uphill battle.”

Sometimes, that means having to place witnesses in the safety net of the California Witness Relocation and Protection Program, otherwise known as CAL WRAP.

“The primary purpose of the program is to keep a witness safe so they are willing and able to testify in court,” said CAL WRAP Coordinator Lisa Spooner.

Already this year, nineteen witnesses have been relocated for cases in San Bernardino County.

MONDAY MORNING: DAY 2 OF JURY SELECTION

Yoakum steps out of the elevator into a whispering hodgepodge of heartbroken family members, criminals, jurors, and the occasional witness pacing back and forth. Yoakum carries a single folder under her arm. The front is labeled in black ink: “West Side Verdugo: Hoeks.”

After a brief conversation with one of her witnesses, Yoakum enters the courtroom, takes her seat closest to the empty jury box, and begins unpacking. She makes small talk with the defense attorney but it’s obvious her mind is elsewhere; she jots down a few notes on her legal pad.

DANIEL VERA, 23, who was an alleged gang member, was convicted by Deputy District Attorney Carlo DiCesare of first-degree murder and for participation in a criminal street gang. The defendant faces 50 years to life in prison.

FRANCISCO XAVIER NUNEZ, 29, and **CEASAR ANTHONY SANTILLAN, 36**, were both convicted of first-degree murder by Victorville Supervising Prosecutor Britt Imes. In 2004, the defendants randomly selected a customer in a grocery store parking lot for the kidnap, robbery, and shooting. Both defendants will be sentenced to life without parole.

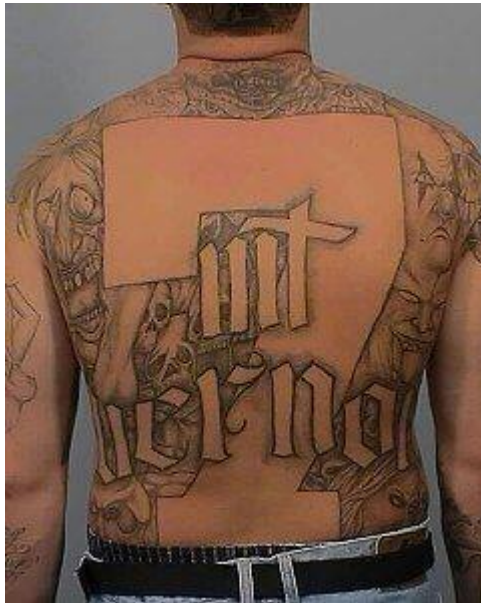
EDUARDO ALVARADO, 23, and **CESAR RODRIGUEZ, 26**, both with ties to a Mexican drug cartel, were convicted by Deputy District Attorney Robert Brown for murdering rival gang members in 2009. Both men received two consecutive life sentences without the possibility of parole.

ATRAYBION HARMON, 22, was convicted by Victorville Prosecutor Carrie Halgrimson for the first-degree murder of his own mother. Motivated by what he claimed was resentment over childhood abuse, Harmon stabbed his mother over 40 times, killing her. Harmon will be sentenced to 25 years to life in prison.

TED RICK, 33, was convicted by Barstow Prosecutor Lana Dallas of aggravated sexual assault of an 11-year-old child. He will be sentenced to 15 years to life in prison.

“Jury selection is your first chance to sell the case, so I always take it seriously,” said Yoakum. “And one of the big deals when in a gang case is to make sure you get a juror who is willing to convict a gang member. I’ve had people tell me flat out that they don’t want to convict a gang member because they live in this area.”

Shadowed by two Sheriff’s deputies, the defendant walks in and glances over at Yoakum before having his handcuffs and ankle chains removed. She is unfazed by his presence.



TATTOOS: WSV gang member with tattoos claiming Mt. Vernon in San Bernardino.

As Yoakum continues arranging her notes, a group of prospective jurors is brought into the courtroom. They settle into their seats. One juror begins to read a paperback—another pounds away on his smart phone.

Presiding Judge Bryan F. Foster steps into his courtroom. After a quick exchange of hellos and basic protocol reminders, last Thursday’s jury selection continues.

There is an unwavering confidence about Yoakum that is far from arrogance, but it’s a presence that fills the courtroom as she rises before the seated jurors.

THIS IS NOT HOLLYWOOD

Yoakum begins her calculated line of questioning. Each question is part of a web logically pieced together with the intent of answering one question: Is *this* juror fit to be a member of *this* particular jury for *this* particular case?

VOICES OF THE CENTRAL GANG UNIT

NAME: Lorna Soulier

POSITION: Victim Advocate II

YEARS OF SERVICE: I have been with the San Bernardino County DA’s office for 6 years and previously I was a victim advocate for the LADA’s office for 9 years.

PERSONAL STATEMENT: I come to work every day because I always think that if my family were ever in the position that our victims are in I would want them to be taken care of, comforted and respected during such an emotional time in their lives, so I strive to give that to all the people I work with daily.

NAME: Ron Webster

POSITION: Deputy District Attorney

YEARS OF SERVICE: 13.5 years

PERSONAL STATEMENT: Returning security and peace of mind to those forced to live in communities infested by gang members is what drives me.

NAME: Cary Epstein

POSITION: Lead Deputy District Attorney

YEARS OF SERVICE: 13 in October

PERSONAL STATEMENT: I hope that our hard work will protect the public and give some justice to the victims of crimes.

NAME: Jessica George

POSITION: Victim Advocate

YEARS OF SERVICE: 4 years 9 months

PERSONAL STATEMENT: Having been a victim of a crime myself, some time ago, I know what it’s like to feel lost in the system. I can’t change what has happened to my victims/families, but I can help them understand our process and how to cope with the pain.

“Are you scared to convict someone who belongs to a gang?” she asks. It’s a reasonable question since many of the jurors live in the exact area where the crime took place.

Another question from Yoakum—stemming from the popular onslaught of crime scene shows on television—even stirs a few chuckles from the jury: “Do you understand that this is not Hollywood, and that I can’t give you a Hollywood production?”

It’s one of the problems that the dash and flash of today’s entertainment industry presents for prosecutors. In Yoakum’s world, prosecution doesn’t happen in a CSI-polished package of must-see TV that fits perfectly into a 60-minute time slot. The Pursuit of Justice takes time, sometimes days or even months to just get started with a trial, and today, day two of jury selection barely happens before lunch.

Ultimately, Yoakum sees her job as a prosecutor as not only justice for the victim, but for the community since so many gangs like WSV “call the shots in the neighborhood” and create an atmosphere of violence.

“Every citizen is entitled to a safe neighborhood,” Yoakum added. “We simply cannot and will not have safe neighborhoods when gangs are allowed to run them.”

SPECIALLY TRAINED PROSECUTORS

Prosecuting gang crime has always been a high priority for the San Bernardino County District Attorney’s Office. Studies show that about 60% of all homicides in the county are gang-related, and it takes more than just the Central Gang Unit to cover this type of crime.

Across the county there are four different gang units—support staff teams consisting of prosecutors, administrative staff, investigators, and victim and witness advocates. In each of these units, specially trained prosecutors seek gang-enhanced charges whenever possible, which increases the penalty against the offenders and keeps them off the street for a longer period of time.

NAME: Kat Martinez

POSITION: Secretary

YEARS OF SERVICE: 5 years

PERSONAL STATEMENT: It’s never a boring day here at the DA’s Office especially in this unit. I get the satisfaction of working as a team to bring justice to the community.

NAME: Julie Rael

POSITION: Clerk

YEARS OF SERVICE: 5 years

PERSONAL STATEMENT: My motivation to come to work each day comes from a variety of things: first, the wonderful people who I work with, and secondly, to know that I’m supporting attorneys in the Gang Unit that prosecute those who have committed terrible crimes.

NAME: Rosa M. Clark

POSITION: Deputy District Attorney

YEARS OF SERVICE: It will be 5 years in September

PERSONAL STATEMENT: This Bible verse from Luke 12:48 inspires and motivates me to do my job: “From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked.”

NAME: Nicole Quintana

POSITION: Deputy District Attorney assigned to the Career Criminal Unit.

YEARS OF SERVICE: 10 years

PERSONAL STATEMENT: I’m motivated to do my job each day because this community and the people in it are worth fighting for.

“Make no mistake, this is a real threat in our communities, but I refuse to allow these thugs to determine how we live our daily lives,” said District Attorney Mike Ramos. “I’ve said it before and I will continue to say that coming down hard on gang crime and keeping our communities safe will always be an important mission of this office.”

Since the Gang Program’s inception in July 2005, 6,343 cases have been filed across the county; 2 on death row; 3,902 state prison commitments; 25,840 years + 108 life terms in state prison; 1,361 gang enhancements have been found true and 207 were found guilty by jury trial.

In the last six months, the Central Gang Unit filed 113 Gang Cases and sent 47 criminals to state prison for a total of 492 years, and Yoakum is quick to admit that such success doesn’t manifest in the courtroom without a strong sense of teamwork.

“It is very fast paced and we need to rely on each other for help. We also consider the police officers we work with as our team members,” said Yoakum. “We cannot do our jobs without their help, the advocate’s help and our DA investigator’s help. It is a team effort all the way.”

OPENING STATEMENTS

Opening Statement—it happens exactly two years to the day of the crime. It’s concise, yet powerful—a virtual landmine of facts and accusations that Yoakum must now piece back together in a cohesive manner for members of the jury. At the end of the trial, she will ask them to find the defendant guilty of robbery with the intent of committing it for the benefit of the WSV street gang.



CLAIMING TERRITORY: The defendant’s graffiti moniker “HOEKS” (located between the trash cans) sprayed on the side of a fence along with other WSV monikers.

TWO MEN CONVICTED OF MURDER IN BOTCHED ROBBERY

RIALTO, Calif. — Two gang members were convicted of first-degree murder in a 2010 robbery that left one man dead.

A jury found Ricco Tucker, 21, and Brandon Baskett, 22, guilty of first-degree murder and use of a firearm and both will receive 35 to life in state prison.

“During the trial, I leaned heavily on [Rialto Police Department](#), the Bureau of Investigation and other attorneys in the gang unit to help me,” said Deputy District Attorney Joshua Visco.



Deputy District Attorney Joshua Visco

According to Visco, the case was basically a “robbery gone bad” involving four suspects—Aamon Smith, Ronnie Bluitt, Tucker and Baskett—and the victim, Lamont Tribble, who operated a gold-buying business on Craigslist, where he would meet people to buy their gold for cash.

On July 27, 2010, Smith and Bluitt set up a meeting with Tribble with the intent of robbing him. After luring him into a

“Today, my goal is to get the victim to testify. He’s terrified,” said Yoakum, while waiting for the jury to arrive. “He’s worried about retaliation, so I hope he gets up to tell the truth.”

The jury enters the courtroom, settles in. Judge Foster makes his way in and takes his seat. The deputy calls the court to order, and within minutes, Yoakum is back on stage. She calls in her first witness, the victim, a fragile man who speaks through a Spanish interpreter.

Yoakum gently takes the victim back to the scene of the crime. He recounts being punched and kicked by four men, “for no reason.” He recalls his assailants telling him he “deserved” the beating. He recalls being “covered in blood and unable to see,” which is verified by a photo Yoakum places on the overhead screen. He recalls having his wallet “lifted” from his back pocket.



CLAIMING TERRITORY: Graffiti, according to experts, is a signal to mark territories and indicate gang-related activity.

But the moment Yoakum asks him to point out the man who beat and kicked him (despite the fact that he already identified the defendant on the night of the assault), his voice fades to a soft mumble. He slumps his shoulders and begins aimlessly searching the courtroom—never once even looking in the direction of the defendant.

“Are you afraid of being retaliated against for testifying today?” Yoakum asks. The victim bows his head, and replies, “Yes.” The defense attorney takes over, but all he can do is try to confuse the witness. He doesn’t appear to have much of a case, and if he does, it isn’t obvious.

carport at an apartment complex in Rialto, Baskett and Tucker enter with handguns and order Tribble to the ground. During the confrontation, the victim instead grabs his duffle bag which contains approximately \$8,000 in cash and runs out of the garage. Baskett follows the victim and shoots him three times in the back.

According to Visco, after grabbing the bag full of money, all the defendants run away. Two hours later, Baskett and Tucker are seen on video surveillance in Victorville buying sneakers with large wads of cash. Smith and Bluitt, both juveniles, received deals in exchange for testimony. They both pleaded guilty to Voluntary Manslaughter and Robbery and will each receive 12 years in state prison.

“I felt satisfied that the hard work of everyone involved had paid off,” said Visco, “and that justice had been served for the victim and his family.”

PEOPLE V. JUAN BARAJAS

By DDA Karen Schmauss

Editor’s Note: Each month we take an inside look at the courtroom from the perspective of a Deputy District Attorney.

For three weeks, Department 4 of the [Rancho Cucamonga courthouse](#) conducted the trial

Next witness: Solid—a restaurant employee who saw the entire incident. He’s the one who made the 911 phone call, describing it as a “major beat down.” He identified the vehicle the defendants used to get away. And today, he has no problem pointing out the defendant seated next to the defense attorney. He speaks with confidence and certainty, and the defense attorney is unable to poke even the slightest hole in his testimony.

HOMEGROWN GANGS

Local gang expert Detective Francisco Hernandez from the [San Bernardino Police Department](#) takes the stand the next day, and his job is simple. With first-hand experience and knowledge of the WSV street gang, Hernandez is there to fill in the blanks for the jury. He’s there to prove that WSV is notorious for committing not only robbery, which is the crime in question today, but several others such as assault, homicide, attempted homicide, the sale of narcotics, burglary and car-jacking.

Hernandez is there to convince the jury that the defendant is in fact a documented and self-admitted WSV gang member and has been since at least 2008. His gang-affiliated tattoos show it. His actions show it, and while he can’t go into previous crimes committed by the defendant or the fact that he was on parole during the time of the violation, the odds are stacking up against the defendant.

He has a gang card (which is a file created by local law enforcement to help identify gang members); a moniker (or nickname); he was dressed in gang clothes on the night in question; and he carried out the crime with three other self-admitted WSV gang members.

He’s also there to reinforce that WSV, like most gangs, is known to utilize retaliation tactics to encourage witnesses not to testify. Maybe they’ll just congregate in front of their house every day or issue a verbal or physical threat, and then in some cases, intimidation of any sort isn’t even necessary because the gang’s bad reputation is more than enough.

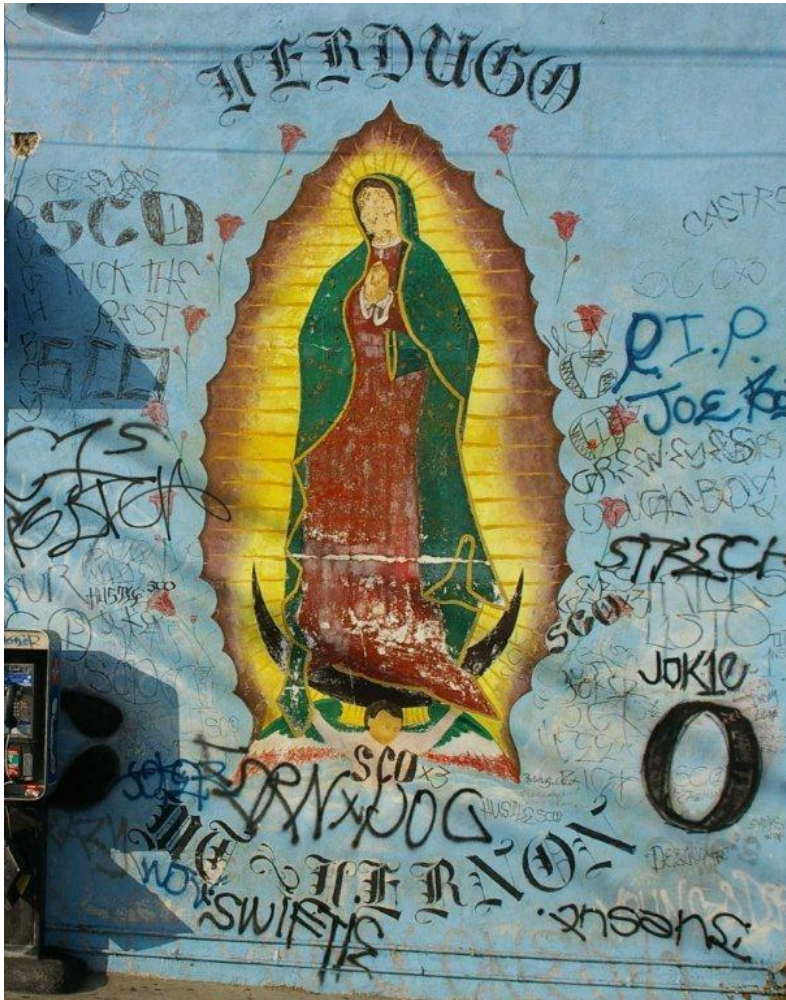
of *People v. Juan Barajas*. Barajas, 40, of Montclair was charged with raping and molesting his stepdaughter from the ages of 12-15. The trial was tense and contentious, with the unusual twist of the entire victim’s family rallying around the defendant and painting her a scheming, calculating liar.

For three days, the girl testified, withstanding cross-examination that continually accused her of making up the allegations. It was not an easy case to prove. There was no corroboration; the defendant was careful to leave no DNA behind. There were no other witnesses to the acts. There was no confession. The defendant made no admissions during a pretext phone call.



PICTURED: Defendant Juan Barajas

The defense claimed that the victim had recently learned that Barajas was not her real father and was ‘devastated,’ vowing to no longer obey him. They also said that once she joined a Latin Dance Club at her high school, her behavior changed and she began acting out. She had



CLAIMING TERRITORY: More WSV graffiti infects the San Bernardino area.

Hernandez quickly points out to the jury that the victim in this case, when asked earlier to identify the man who had assaulted him, displayed all the signs of a frightened witness.

“He was nervous. He couldn’t even look in the direction of the defendant,” Hernandez said, speaking directly to the jury. “He spent most of his time just staring at you, the jury. In fact, I kept waiting for him to pick someone from the jury... It’s fear. You’re looking at fear right in the eyes, and he just couldn’t do it.”

THE FINAL STRETCH

All that remains are a few more witnesses, closing statements by both Yoakum and the defense attorney, instructions to the jury from the judge, and the final verdict.

supposedly made up the allegations after he tried to take her cell phone away from her.

However, this ‘scheming’ child never reported the allegations to authorities. An out-of-state aunt, who suspected something might be happening, coaxed the information out of her. The aunt assured the victim that she would find her a safe place to live, and to tell no one other than trusted girlfriends. The girl told her two best friends at school, who were overheard talking about it by a teacher. The victim was called into her counselor’s office where a Children’s Services worker waited, and after a bit of prodding finally admitted she had been molested.



Deputy District Attorney Karen Schmauss

At first she only disclosed that it had been happening for about a year. Two weeks later, at the Children’s Assessment Center interview, she stated that it actually had begun when she was 12. It happened at three different places: her home, in

Yoakum's closing argument is direct and to the point. She reviews all the testimony with a bulleted list on the overhead as the jury attentively looks on.

Twenty minutes later, she turns to the jury and says:

"Remember, the victim did not deserve this beating. He did nothing to deserve it. No one deserves this. Even though he didn't want to look at the defendant, witnesses did look at him, and said he is the one."

She points at the defendant. "He is the one on the hook for the crime of robbery."

The defense attorney, for his closing argument, attempts to prod holes in Yoakum's explanation: He says the victim's testimony was based more on what others said to refresh his memory. He says the victim couldn't even identify the defendant when asked. He even suggests that one of the witnesses, the restaurant employee lied to better himself as a witness for the prosecution.

Yoakum furiously scribbles away on her notepad, conferring with Gang Expert Hernandez who is seated beside her.

"My client didn't even have any blood on his white shirt," the defense attorney says, leaning against the witness stand. "If he was involved, why wouldn't he have at least a little blood on him?"

Up until this point, Yoakum has been calm and collected, but on rebuttal, she jumps up and begins picking away each of the defense attorney's points. "The victim did in fact identify him that night when they were arrested, and the fact that there is no blood on his shirt is because the defendant was too busy kicking him. Why would there be blood on his shirt? He was kicking him the whole time. That theory is just ridiculous."

Yoakum appears slightly agitated. "This was not a fight. The victim tried to crawl in a ball. This was a brutal beat-down by West Side Verdugo... That's why they were laughing. It was funny to them to beat a man who was sitting there minding his own business, drinking his juice."

the family car and at the restaurant in Baldwin Park where she and her stepdad worked.

The defense brought in the owner of the restaurant, who declared that Barajas was never given keys to the restaurant and thus could not have molested the girl before work hours. The owner testified that only she and a cook had keys, and nobody but she knew the alarm code. She also said she met Barajas when he "just walked in and applied." But she had previously told an investigator that NOBODY but she had keys, and had told another that her brother-in-law had keys. She also claimed that a chair could not fit down the hallway or in the kitchen. (The victim testified that Barajas had sex with her by sitting on a chair in the kitchen and having her sit on top of him.)

After the owner testified, Montclair Police Officer Debbie Camou, the case agent, went to the restaurant and interviewed employees, learning that a newly hired cook not only had keys but also knew the alarm code ("1-2-3-4"). Camou easily carried a restaurant chair through the hallway and photographed it in numerous locations in the kitchen.

Camou also discovered that Barajas' niece had sold the restaurant to the new owner. The niece had been attending the trial, taking copious notes

Yoakum takes her seat. She is confident, but she later admits that waiting for the jury can be nerve-racking. All she can do is present the facts and hope that justice is served.

“While they are deliberating I am usually wondering why it’s taking so long!” said Yoakum. “If they have any questions, I wonder, ‘Why did they ask that?’ If they want read back of testimony I wonder ‘Why that witness?’ It is stressful because we want to protect our victims and the community.”

With the jury gone, Yoakum packs up her belongings. The defense attorney, in jest, asks the judge a question.

“Your honor, will you scold her for me?” he says, motioning over with his hand towards Yoakum.

Judge Foster replies, “For what?”

“For being so darn good.”

After nearly three hours of deliberation, the jury has a verdict. Court is called to order. The room is tense, and for the first time, the defendant shows signs of weakness. He’s no longer the hardened criminal pictured in the photo that was taken the night of the assault.

All the defendant can do now is blankly look at the jury and listen as the judicial assistant reads the verdict: Guilty on the robbery and true on the gang allegation.

For Yoakum, it’s the end of another case, and that means, a new one is quick to follow. It never seems to end, but one thing is certain about Yoakum and all the members of the Gang Unit. They embrace their job and enjoy the opportunity to serve the public.

“I like being on this team,” Yoakum said. “I want to help victims of crime and their families by being their voice. I care about the community and the impact gang violence has on everyone.”

and telling all the Spanish-speaking family members what was said. DA Investigator Kirstin Alvarez and I went to the restaurant and served subpoenas to the employees whom Camou had interviewed. Then we went to the niece’s home in Ontario. She slammed the door in our faces and her relative in the front house called the sheriff on us for ‘trespassing.’ But we got her served. She tried her best to thwart us in her testimony, claiming she had nothing to do with her uncle’s hiring.

The defense paraded half a dozen family members onto the stand, all claiming that the house was full of people and they never saw anything untoward between defendant and victim. The mother testified that her daughter was upset that Barajas wasn’t her dad, was saying she was at Latin Dance practice when she wasn’t, and probably had a ‘boyfriend’ – despite there being no evidence of that. She said the girl began dressing provocatively and wearing more makeup – even though she bought all her clothes.

Dr. Jody Ward, an expert in Child Sexual Abuse Accommodation Syndrome (C.S.A.A.S.), testified about how the victim’s behavior was common for children who were sexually abused, explaining that children are powerless and do not know what to do when a trusted adult is abusing them. They feel that it is up to them to

IN THE COMMUNITY: PAYING ATTENTION TO ELDER ABUSE

SAN BERNARDINO, Calif. – Deputy District Attorney Tristan Svare, Esq., was the keynote speaker July 7 at the Annual Inland Regional Center Law Enforcement Forum to discuss the professional response to elder abuse.

“Today’s forum had over 300 participants who provide for clients with developmental disabilities,” said Svare. “It was mainly those vendors who are often the first ones to report suspected abuse, and are the eyes and ears of law enforcement when it comes to protecting and securing justice for persons with disabilities.”

The following interview was conducted with DDA Svare, who specializes in Elder & Dependent Adult Abuse Prosecution for the San Bernardino County District Attorney’s Office:



Deputy District Attorney Tristan Svare, Esq. speaking to members of the Annual [Inland Regional Center](#) Law Enforcement Forum on July 7.

Can you provide more insight into today’s forum?

Every year the [IRC](#), which serves more than 25,000 individuals with developmental disabilities in San Bernardino and Riverside counties, hosts a Law Enforcement Forum – for the vendors to learn more about local law enforcement and what can and cannot be done in response to suspected abuse of a client with developmental disabilities. This often consists of representatives (Sergeants, Lieutenants, Chiefs of Police) from local agencies talking about what they do and how they can respond to crimes involving victims with developmental disabilities and to build better relationships with the vendors and their often overlooked client population.

keep the family together and maintain the ‘status quo.’ They learn to accommodate the abuse and two-thirds do not disclose until adulthood, and many never disclose.

After a mere 3 ½ hours of deliberation, with no request for read back and no questions of the judge, the jury announced it had a verdict.

For 15 minutes, the court clerk read each of the 24 verdicts to charges of forcible rape, continuous sexual abuse and child molestation. The verdict was the same for all counts: Guilty as charged.

The family – warned by the bailiff that if they made any audible reaction they would be ejected – sobbed quietly. The defendant showed no reaction at all.

The young victim, now 16, sat flanked between her social worker Monica Munoz and a victim advocate, several armed police officers surrounding her. At about the 16th verdict, I turned in my seat and smiled at her. Her eyes flickered, but she showed no other emotion.

We whisked her out through the back, away from the family who as soon as they hit the hallway, began crying and wailing and screaming that it was all a lie. Among the wailers was her mom. “This is an injustice!” screamed the mother.

We talked to the jurors. The

When one thinks of developmental disabilities, it's not often associated with elder abuse. How do the two tie together?

The realities of the crimes are similar. This is one of the reasons our Office has a combined [Family Violence Unit](#)—just as child abuse and domestic violence and elder abuse share common characteristics of victimization, forensic investigations, and the psychology of victims and abusers, there are also many overlaps with the senior community and the community of persons with developmental disabilities—from simple things like the need to collect medical records and determine pre-existing conditions that can affect a case, to the means and methods of working with someone with communication issues and obstacles. And, in California (and many other jurisdictions) the laws addressing abuse of elders are codified with the laws addressing abuse of persons with disabilities. In California, that is found in Penal Code Section 368. This year, the [IRC](#) specifically invited representatives from the District Attorney's Office, and from the [California Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse](#) (Deputy AG Natasha Fagen) to discuss what we look for in reports and investigations of abuse of elders and dependent adults.

Have you noticed an increase in the number of elder abuse cases in San Bernardino County?

When [the Elder Abuse Prosecution Unit](#) was formed in 2000, we had no cases. From my own experience in the Victorville Office, elder abuse (and abuse of persons with disabilities) was not recognized as such, and if it was investigated and prosecuted, it was often resolved for far less than the cases deserved – because we did not know how to overcome issues and problems related to memory, communication, frailty, and others that can make a good case look bad, and make a case with problems look absolutely unwinnable. We know more now, and we share that knowledge with local law enforcement and other agencies and service providers to better address these overlooked cases.

Since 2000, the numbers of elder abuse cases and cases of abuse of persons with disabilities has steadily increased. With the Family Violence Unit, we have trained prosecutors in each Region to handle these cases. The numbers keep going up. This is due to more awareness, better investigations, and also the stark reality that the elder population is the single fastest growing segment of the US population. The elder population in our communities is expected to double in the coming decade or two.

first thing they said was, "We found the victim completely credible." The second thing they said was, "And we found the defense witnesses completely *not* credible."

Back in the DA's office, I asked the victim how she felt. She paused, and then said, "I don't know how to feel." The girl's shoulders slumped, and she gave me a rueful smile, her eyes full of pain.

The defendant faces up to 80 years in prison for his crimes. The victim, who has been in foster care ever since the report to law enforcement, faces a life without her family – who failed to protect her both before and after the terrible crimes inflicted upon her.

A Citizen's Guide to Preventing and Reporting

Elder Abuse is a free publication available in California by writing to Crime and Violence Prevention Center, 1300 I Street, Suite 1150, Sacramento, CA 95814 or going [online](#).

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What was the outcome of today's event?

The response was very positive! Participants learned about the forms abuse can take – physical abuse and neglect, financial exploitation, emotional abuse and false imprisonment, and even sexual abuse of elders and dependent adults, and institutional abuses. The participants also learned how to build good relations with local Police and Sheriff's personnel to assist in better reporting of suspected abuse, and about what to expect if and when they make a report. The participants were very appreciative of now being able to put a name and contact phone number to what is otherwise often a faceless institutional response by "Law Enforcement" with very little personal connection or feedback. Attendees were encouraged to not only perform their mandated duty to report suspected abuse (per Welfare and Institutions Code Section 15633), but now have a person to call if they have general questions about elder and dependent adult abuse, or if they are inquiring on the status of a pending case or investigation. The Annual Law Enforcement Forum is about building better working relationships between law enforcement and the community. According to the positive response to the presentation, this was accomplished.

If someone suspects elder abuse, what should they do?

If someone, anyone, suspects abuse of an elder (anyone age 65 or older), or any dependent adult (anyone age 18 to 64 with any physical or developmental disability that affects their activities), then please call **Adult Protective Services at 1-877-565-2020**. This is a 24-Hour Hotline number that ties the caller directly to APS. It is the same hotline number for reporting suspected child abuse. And, if you suspect a senior or dependent adult may be in immediate danger, **call 911 IMMEDIATELY**. In addition to calling APS at the Hotline number, any concerned person is encouraged to call their local Police Department or Sheriff's Station – check your local phonebook or the internet for your particular city or region. And, if you have any questions about an elder abuse investigation, please call **the District Attorney's Office – Family Violence Unit, Elder and Dependent Adult Prosecution at 909-387-6533**. If you suspect abuse at an acute care hospital, nursing home, or other type of care facility, you can also call the **Attorney General's hotline at 1-800-722-0432**. And, keep in mind that ALL reporting to the hotlines can remain anonymous, and you are protected from any liability for good faith reporting of suspected abuse.

If you would like to subscribe to Inside the Law, please reply to da@sbcda.org with SUBSCRIBE typed in the subject line.

VICTORVILLE PROSECUTOR HIGHLIGHTED IN DAILY PRESS



IMAGE BY DAVID PARDO, DAILY PRESS / PHOTO ILLUSTRATION BY JAMES QUIGG, DAILY PRESS

VICTORVILLE, Calif. – Deputy District Attorney Kathy DiDonato was recently featured in the [Daily Press](#) for her role in fighting crimes against children. To view Staff Writer Tomoya Shimura's article, [click here](#).

Mission Statement

It is the mission of the San Bernardino County District Attorney's Office to represent the interests of the people in the criminal justice system, as mandated by California State law. The San Bernardino County District Attorney's Office serves the residents of San Bernardino County by: seeking the truth, protecting the innocent; holding the guilty accountable; preserving the dignity of victims and their families; and, ensuring that justice is done while always maintaining the highest ethical standards.

[San Bernardino County District Attorney](#)

